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C O N F I D E N T I A L SECTION 01 OF 02 BAKU 000742

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SUBJECT: AZERBAIJAN: TRIAL CONTINUES FOR JAILED BLOGGERS

REF: BAKU 724 AND PREVIOUS

Classified By: Political-Economic Counselor Robert Garverick, Reasons 1
.4 b and d.

¶1. (C) Summary: The first hearing on evidence in the trial of youth activists and bloggers Emin Milli and Adnan Hajizade was held on September 16. Before the hearing began, six well-known youth activists were arrested for wearing t-shirts saying "I am also a hooligan." All were released after the hearing. The judge agreed to "partially fulfill" some of the defense motions he rejected at the preliminary hearing, but gave no details on what this means. The two alleged "victims" of Milli and Hajizade's attack testified, presenting an unconvincing story about the incident. Azerbaijan does not have jury trials, and therefore the fate of the two young defendants rests with the judge, who showed more impartiality than in the preliminary hearing, but the final verdict is still unpredictable. End Summary.

¶2. (SBU) The first official hearing in the trial of youth activists and bloggers Emin Milli and Adnan Hajizade was held on September 16. A crowd began to form outside the Sabail District Courthouse, where the trial is being held, about an hour before the trial was scheduled to begin. Several members of Adnan Hajizade's Ol Youth Movement arrived at about 14:30 and began handing out t-shirts with the slogan "I am also a hooligan" in Azerbaijani on them. Police attempted to confiscate the t-shirts about ten minutes later, the young people resisted, and six young people were arrested. The six included long-time opposition Musavat Party head Isa Gambar's son and other youth activists well known to the Embassy. All six were released a few minutes after the hearing ended, without being charged with anything.

¶3. (C) The court room itself is small, with only about 40 seats for observers, despite there being room for more chairs if available. The room is noisy and observers have difficulty hearing a large part of what is said. While poloff and eight other diplomats (some with translators) were allowed to observe the hearing, along with family members and some well-known media, human rights defenders, and opposition members of parliament, there were at least 100 people waiting outside the courthouse for over 3 hours who were not allowed to enter. There was an almost equal number of police, both uniformed and plain-clothed, guarding the courthouse and keeping the crowd in line. Inside the courtroom there was also a handful of unidentified people strategically placed next to diplomats and obviously more interested in what the foreigners were saying than in the trial.

¶4. (C) At the beginning of the hearing, the defense lawyers

re-proposed several motions which the judge denied in the preliminary hearing (reftel) to submit more evidence to the trial. After about 20 minutes of debate with the prosecutor, the prosecutor agreed that he "did not object to evidence." The judge then agreed to &partially fulfill⁸ the motions submitted by the defense, but he gave no details as to what the &partial fulfillment⁸ might entail.

¶5. (C) The first alleged victim Vusal Mammadov then testified. He made a statement, then answered questions from the prosecutor, defense attorneys and judge. He had great difficulty holding up his side of the story. In addition to not being able to explain what happened the night of the incident (who hit him, what injuries he sustained, what time the incident happened, what police station he went to, etc.), he could not explain where he was born, where his ID card was, or where he went to school. The defense lawyers did an excellent job of exposing the holes in his story for over one hour -- at one point Mammadov told Hajizade's lawyer Isakhan Ashurov, &if I'd known you would ask me these questions, I would have gone to war and fought and died.⁸ Both the prosecutor and judge were visibly annoyed by the witness, and the judge intervened to force him to answer questions when he refused to do so.

¶6. (SBU) After a short break, the second &victim⁸ Babek Huseynov testified. Huseynov was more coherent than his compatriot, and able to give a complete, if provably false, account of the evening. Huseynov claimed among other things, that Milli and Hajizade were drunk, and that Hajizade hit him in the face. Huseynov also testified, however, that Milli

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and Hajizade were both injured when he saw them at the police station. Huseynov's story did not match the story given by Mammadov on a number of particulars. At about 17:55 the judge concluded Huseynov's testimony and postponed the hearing until September 18.

COMMENT

¶7. (C) The two alleged victims were overall poor witnesses, and based on their testimony it would seem to be hard to convict Milli and Hajizade if the judge acts fairly. In particular, the defense lawyers pushed hard to show inconsistencies in the prosecution's story about the police coming to the restaurant and taking all four men to the police station. This part of the story is false based on what we know -- Milli and Hajizade went to the police station on their own to file a complaint, and in fact had to visit two police stations before anyone would deal with them. The judge seemed to show more impartiality during this hearing, but as the judge alone tries both fact and law in Azerbaijan (there is no jury), much depends on how fair the judge will be - and this remains impossible to predict.

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